

From: The Fallons
To: Microsoft ATR
Date: 1/26/02 9:52am
Subject: Microsoft Settlement

To whom it may concern:

I have been a computer user for a number of years now. I have used both Microsoft's and America Online's products and services. I have also sat quietly and watched the developments of the lawsuit against Microsoft, with no comment other than to shake my head in dismay. Upon seeing that AOL intends to reopen the case with a private action against Microsoft, I felt I had to at least say something on Microsoft's behalf.

To anyone who has watched the development of the technology over the last several decades, it is quite apparent that the charges against Microsoft are baseless. They have been the pioneers in developing operating systems and applications software for consumer use for years. Their actions in the market have been driven, in addition to the obvious motive of market share, largely by consumer feedback and consumer demand. Each one of their developments incorporated new (sometimes even third-party) software, to enhance the users' experience, without the added cost of having to actually purchase the third-party software at additional cost to the user. At the time, each one of these separate tools incorporated by Microsoft were individually welcomed and even applauded by the consumers who had demanded such incorporation. The industry was being driven by an unusual combination of competition and cooperation, which has contributed to one of the fastest-growing segments of our economy. Concurrently, AOL was developed in an interesting time of technological flux, able to make an industry out of utilizing existing telephone lines (constructed, coincidentally, by another company which fell prey to an anti-trust suit) to conduct a business in which they collected receipts for the use of these existing lines. They created nothing substantial, and they made no contribution to the software or hardware industry other than on their own behalf.

Now the market is suffering, because AOL chose to utilize the court system to accomplish what they were unwilling or unable to do in the competitive marketplace. And we, the people, are not only going to suffer the consequences, we are being asked to pay for the litigation which will yield the end which AOL is seeking. And finally, to add insult to injury, AOL is claiming to be doing all of this "on our behalf" as consumers.

It's time all of this hogwash stopped. Enough time, money, and effort have been misdirected already. AOL will not back away or stop the fight until someone tells them to. That someone has to be the Department of Justice, and the time to do it is now. I urge you to do just that.

Sincerely,
Jeffrey S. Fallon